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13th November 1990

Our Ref: ^{JHB}~~PADL~~/LTT/30591

Dear Jeff,

PM1322 AUSTRALIA
OUR FILE: 30591

Following my return to this country I find a report from Australia of the filing of a request for normal examination, a copy of which is enclosed.

I have also received advice from Collin Macauley of Callinan's regarding the draft claims which I sent for comment. Mr Macauley advises that the revised claims are acceptable but he would prefer to see the functional statement (Page 16 lines 26-31 of the original text) restored to the end of Claim 1. He feels that the examiner might object if this statement were to be omitted.

We seem to have here a situation where, in Australia, the examiner would regard the omission of a 'feature' as more reprehensible than the inclusion of a purely functional statement. In the EPO on the other hand, the functional statement would be regarded as a 'non-feature' and its removal regarded as a priority.

This recommendation that the functional statement be retained will no doubt have your approval and will be born in mind in any amendment of the Australian claims. However, during our discussion on 6th November I gained the impression that you would prefer not to amend the claims voluntarily but to await the first action on the existing claims. As I explained, my suggestion for amending the claims in Australia was not occasioned by any doubt as to patentability of the broad claim but merely to forestall possible formal objections, particularly to some of the dependent claims.

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I should be grateful if you would confirm that the claims should be left as they are for the time being, in which case I will let Colin Macauley know that amendment should be held in obedience pending the issue of the first action.

Yours sincerely

J. H. BASS

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